

REMARKS

I. Introduction

Claims 13-24 remain pending in the application. Claim 13 is the sole independent claim.

Applicant respectfully requests reconsideration of the application in light of the present remarks.

II. The 35 U.S.C. § 103 Rejections

The Office has rejected independent claim 13 (among others) under 35 U.S.C. § 103(a) as being unpatentable over Goldhaber (U.S.P. 5,794,210). Applicant respectfully traverses this rejection and submits that each pending claim is patentable over the cited art.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the Office bears the initial burden of establishing a prima facie case of obviousness. M.P.E.P. § 2142. To establish a prima facie case of obviousness, the Office must show that three basic criteria are met. M.P.E.P. § 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the references' teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference or references, when so modified or combined, must teach or suggest all of the claim limitations. *Id.*

Accordingly, Applicant respectfully submits that the Office has not established a prima facie case of obviousness for at least the following reason:

A. Goldhaber Does Not Teach or Suggest a Direct Connect Server Receiving an Identification of One or More Creatives from a Creative Selection Server

Independent claim 13 recites, in part, "wherein the direct connect server . . . receives an *identification* of one or more creatives from the creative selection server." (Emphasis added.) Goldhaber neither teaches nor suggests such a limitation.

In the Office action, the Office contends that the item 110/agent of Goldhaber functions as the claimed direct connect server, and that the item 106/attention brokerage server of Goldhaber functions as the claimed creative selection server.

However, irrespective of whether the item 110/agent of Goldhaber is located on the consumer's computer 104(1) of Goldhaber, the item 110/agent of Goldhaber never receives an *identification* of one or more ads from the item 106/attention brokerage server of Goldhaber - it only receives the ads themselves. Goldhaber, col. 15, lns 64-66.

Accordingly, a prima facie case of obviousness cannot be established based on Goldhaber, because the prior art, however modified or combined, fails to teach or suggest all of the claim limitations.

For at least this reason, independent claim 13, along with its dependent claims 14-24, are not rendered obvious under 35 U.S.C. § 103(a).

III. Conclusion

It is respectfully submitted that, in view of the foregoing remarks, the application is in clear condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.

The Office is authorized to charge the following to Kenyon & Kenyon LLP's Deposit Account No. 11-0600:

- two-month extension of time fee of \$450.00 under 37 C.F.R. § 1.136(a)

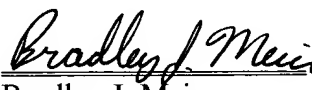
A copy of this page is provided for this purpose.

Although not believed necessary, the Office is hereby authorized to charge any additional fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

Dated: January 30, 2007


Bradley J. Meier
(Reg. No. 44,236)

KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
(202) 220 - 4200 (telephone)
(202) 220 - 4201 (facsimile)